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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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In the Matter of the Application of:

Case Cornelis Rodenburgh, et al.

Serial No.: 08/824,943

Filed: March 27, 1997

For: APPARATUSES AND METHODS FOR CONTROLLING THE FILL OF

TOOLING CAVITIES

Examiner: Thomas, C. Group Art Unit: 2786

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Assistant Commissioner for Patents

Washington, DC 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on January 19, 1999.

Ruth Curran
Ruth Curran

RESPONSE AFTER FINAL REJECTION

Sir:

This communication responds to the Office Action mailed December 31, 1998, wherein claims 1, 2 and 16 were held to be allowable, and claims 3 and 4 were rejected under 35 USC 102(e) as being anticipated by Hendry (5,728,410). Reconsideration of the rejection of claims 3 and 4 is requested.

Independent claim 3 is provided here for reference:

3. A process for making a part comprising a solidifiable product material, comprising:
- (a) flowing the product material in a flow path;
 - (b) providing a flow channel comprising a portion of the flow path, the flow channel being adjacent to other portions of the flow path;
 - (c) altering a posture of the flow channel with respect to the adjacent portions of the flow path so that said flow

channel is offset from said adjacent portions of the flow path; and

- (d) allowing said product material to solidify in said flow channel and said adjacent portions of the flow path whereby said part is formed with an impression of said flow channel and said adjacent portions of said flow path; **RECEIVED**
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- whereby said solidified material in said flow channel is offset with respect to said solidified material in said adjacent portions of the flow path.

Claim 3 includes the step of: (c) altering a posture of the flow channel with respect to the adjacent portions of the flow path so that said flow channel is offset from said adjacent portions of the flow path.

The Examiner correctly characterizes Hendry as teaching that gas flow displaces a controlled quantity of flow material from the mold cavity into the spill cavity which is coupled to the mold cavity by a runner. The Examiner then concludes that this suggests an alteration in the flow channel of Hendry which is equivalent to the alteration recited in step (c) of claim 3. Applicants respectfully disagree.

The flow channel as defined in claim 3 is a conduit through which the product material flows. Hendry does not teach alteration of a conduit. Instead, Hendry uses pressurized gas to displace a portion of flow material in a conduit. This pressurized gas is itself a flow material. Thus, Hendry is substituting one flow material (gas) for another flow material (liquified plastic). Continued inlet of pressurized gas into the flow channel of Hendry's device would result in filling the flow channel with the pressurized gas. This is not "altering a posture of the flow channel with respect to the adjacent portions of the flow path", as defined in step (c) of claim 3, nor does Hendry's flow channel become "offset" from adjacent

portions of the flow path, as defined in step (c) of claim 3.

Rejection for anticipation requires that all the elements of the claimed invention be described in a single reference. In re Spada, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). As explained above, Hendry does not describe all of the elements of claim 3. Therefore, claim 3 is believed to be patentable over Hendry, and claim 4 is believed to be allowable as depending from an allowable independent claim.

Reconsideration of the rejection and allowance of the claims are respectfully requested.

Respectfully submitted,

Case Cornelis Rodenburgh,
et al.
Applicants



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